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Counsel for HUGO MORENO-SANABRIA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ORDER ON

UNITED STATES OF AMERICA,

03:11-CR-0070-RCJ-WGC-1

Plaintiff,

**STIPULATION TO CONTINUE
SENTENCING OF DEFENDANT HUGO
MORENO-SANABRIA (FIRST
REQUEST)**

vs.

HUGO MORENO-SANABRIA,
RODRIGO RODRIGUEZ-BECERRA,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and through CRAIG S. DENNEY, counsel for HUGO MORENO-SANABRIA; DANIEL G. BOGDEN, United States Attorney, and MEGAN RACHOW, Assistant United States Attorney, counsel for the UNITED STATES OF AMERICA; that the sentencing hearing scheduled for February 21, 2012 at 1:30 p.m., be continued to March 5, 2012 at 2:30 p.m.

The continuance is necessary for the following reasons:

1. Counsel for defendant needs the additional time to obtain statements from family members in Mexico and have them translated for the sentencing hearing.

2. Counsel for defendant had mistakenly calendared the sentencing hearing on February 22, 2012, and recently discovered the administrative scheduling error. Counsel is scheduled to be in Sacramento, California, on February 20-21, 2012, for a meeting at the U.S. Attorney's Office and out-of-state counsel in an unrelated federal investigation in the Eastern District of California.

1 Counsel also has a military trial (U.S. v. Rivas) on February 23 and 24, 2012 in Fort Lewis,
 2 Washington. The Court's clerk has advised that March 5, 2012 is the next available date for
 3 sentencing.

4 3. Failure to grant this continuance would deny counsel for the defendant the reasonable
 5 time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18
 6 U.S.C. § 3161(h)(7)(B)(iv).

7 4. Counsel has discussed the continuance with the defendant who is in custody. The
 8 defendant has no objection and is in agreement that his attorney's request for a short continuance
 9 of sentencing until March 5, 2012.

10 The additional time requested by this Stipulation is excludable in computing the time
 11 within which the trial herein must commence under the provisions of the Speedy Trial Act
 12 pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i)(iv), in that failure to
 13 grant this continuance would result in a miscarriage of justice by denying counsel for the
 14 defendant reasonable time necessary for effective preparation, taking into account the exercise of
 15 due diligence.

16 DATED this 10th day of February, 2012

17
 18 /s/ Megan Rachow

19 MEGAN RACHOW
 Assistant United States Attorney

/s/ Craig S. Denney

CRAIG S. DENNEY
 Counsel for Hugo Moreno-Sanabria

Hugo Moreno Sanabria
 HUGO MORENO-SANABRIA


ORDER

IT IS HEREBY ORDERED that time from February 21, 2012 to March 5, 2012, the new sentencing date, is excluded in computing the time within which the trial in the above-captioned case must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (iv) for the above-stated reasons, including without limitation that the ends of justice would best be served by this continuance of the trial date.

IT IS FURTHER ORDERED that the sentencing hearing currently scheduled for February 21, 2012, at the hour of 1:30 p.m., be vacated and continued to March 5, 2012 at the hour of 2:30 p.m.

The Court finds the need for this continuance outweighs the defendant's and the public's right to a speedy trial and sentencing.

IT IS SO ORDERED this 13th day of February, 2012.


UNITED STATES DISTRICT JUDGE

Snell & Wilmer

LLP
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